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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,501	04/01/2004	Dinesh C. Seksaria	01-2988 (05)	8617

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EXAMINER

MORROW, JASON S

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,501

Applicant(s)

SEKSARIA ET AL. *35*

Examiner

Jason S. Morrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/1/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 6-9, 12-16, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakai et al.

Re claim 1, Nakai et al discloses an apron for a front end of a motor vehicle, comprising a substantially C-shaped, unitary apron member (18) having a depending front portion (11), the apron member defining at least one integrally formed accessory attachment mount for mounting at least one engine accessory (a radiator) of the motor vehicle thereto, and a substantially C-shaped apron rail (26) attached to a top end of the apron member and configured for attachment to a bulkhead (9) of the motor vehicle.

Re claim 3, the at least one accessory attachment mount comprises a plurality of openings (14) defined in the front portion.

Re claim 4, Nakai et al. discloses an apron assembly for a front end of a motor vehicle, comprising a substantially C-shaped, unitary apron member having a depending front portion, the apron member defining at least one integrally formed accessory attachment mount; a substantially C-shaped apron rail attached to a top end of the apron member and configured for attachment to a bulkhead of the motor vehicle, and at least one engine accessory of the motor vehicle attached to the apron member at the at least one accessory attachment mount.

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Re claim 6, the apron rail is configured for mechanical attachment (the holes at the ends of 18) to the bulkhead.

Re claim 7, the at least one accessory attachment mount comprises a plurality of openings (14, 15) defined in the front portion.

Re claim 8, the engine accessory is a radiator (2) and cooling fan (3) assembly and the accessory attachment mount is an opening defined in the front portion of the apron member, the radiator and cooling fan assembly supported in the opening.

Re claim 9, the engine accessory is an air conditioning condenser (4) and the accessory attachment mount is an opening (15) defined in the front portion of the apron member, the air conditioning condenser supported in the opening.

Re claim 12, fenders (attached at 9) are attached to the apron rail.

Re claim 13, headlights (6) are attached to the front portion of the apron member.

Re claim 14, Nakai et al. discloses a method of assembling an apron assembly for a front end of a motor vehicle, comprising the steps of: providing a unitary apron member having a depending front portion, the apron member defining at least one integrally formed accessory attachment mount; attaching an apron rail to a top end of the apron member, and attaching at least one engine accessory of the motor vehicle to the apron member at the at least one accessory attachment mount.

Re claim 15, the engine accessory is a radiator and cooling fan assembly and the accessory attachment mount is an opening defined in the front portion of the apron member, the

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method further comprising the step of supporting the radiator and cooling fan assembly in the opening.

Re claim 16, the engine accessory is an air conditioning condenser and the accessory attachment mount is an opening defined in the front portion of the apron member, the method further comprising the step of supporting the air conditioning condenser in the opening.

Re claim 19, the method includes the step of attaching fenders to the apron rail.

Re claim 20, the method includes the step of attaching headlights to the front portion of the apron member.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai.

Re claims 2 and 5, Nakai discloses all the limitations of the claims, as applied above, except for the apron rail being made of aluminum.

The use of aluminum is old and well known in the art.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the rail for aluminum, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

5. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai in view of Watters et al.

Nakai discloses all the limitations of the claims, as applied above, except for a transmission oil cooler being supporting in the opening defined in the front portion of the apron member.

Watters et al. teaches mounting a transmission oil cooler (11) on a radiator.

It would have been obvious to one of ordinary skill in the art to modify an opening, such as that disclosed by Nakai, to have a transmission cooler mounted to the radiator and thus also in the opening, as taught by Watters et al., in order to cool the transmission fluid of the vehicle in case such additional cooling is required, as when towing a heavy load.

6. Claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai in view of Simplicean.

Nakai discloses all the limitations of the claims, as applied above, except for the engine accessory attachment mount being an integrally formed battery hold down, the battery supported in the battery hold-down.

Simplicean teaches integrally forming a battery hold down in a vehicle and supporting the battery in the hold-down (column 6, lines 5-10).

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It would have been obvious to one of ordinary skill in the art to modify a vehicle attachment mount, such as that disclosed by Nakai, to be an integrally formed battery hold down which supports a battery, as taught by Simplicean, in order to provide a place for a necessary vehicle part in a place in which it is typically mounted in a vehicle.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 15, 2004

Jason S. Morrow
Examiner
Art Unit 3612


JASON MORROW
PRIMARY PATENT EXAMINER

10/15/04